



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,957	12/07/2001	Raymond P. Vander Veen	555255012303	7353

7590

10/22/2004

David B. Cochran, Esq.
Jones, Day, Reavis & Pogue
North Point, 901 Lakeside Ave.
Cleveland, OH 44114

EXAMINER

TAYLOR, BARRY W

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,957

Applicant(s)

VANDER VEEN ET AL.

Examiner

Barry W Taylor

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shim et al (6,643,528 hereinafter Shim) in view of Colonna et al (6,115,620 hereinafter Colonna).

Regarding claim 1. Shim teaches an integrated radiotelephone holster wherein when the radiotelephone is placed into holster, the phone enters into different modes of operation including: power save mode, answer mode (e.g. receiving incoming call, voice

Art Unit: 2643

or data), deactivated state (e.g. terminate call), phone mail or other desired functions (abstract, col. 2 lines 8-29, col. 3 lines 37-53). Shim discloses sensing when phone is removed from holster wherein the speaker function is automatically disabled (col. 4 lines 7-16) and when phone is placed into holster the phone enters idle mode (see sleep mode col. 4 line 22). Shim further discloses that when in power-conservation mode and still in holster and incoming call (i.e. voice or data) is received the phone advises the user wearing the holster of incoming call and powers the audio appliance for user to use in responding to call (col. 4 line 40 – col. 5 line 3). Shim discloses other components may be reactivated when incoming call received, for example visual alerts, displays, touch sensitive screen, etc. (col. 5 lines 3-15).

Shim fails to show using magnet for sensing phone is in holster.

Colonna teaches a mode-switchable communication device having standby mode, private mode (i.e. normal mode), and speakerphone mode (abstract). Colonna discloses the phone is capable of voice and data mode, email and fax capability (col. 2 lines 55-60). Colonna discloses the holster contains magnet (col. 3 lines 33-52, col. 4 lines 50-65) that provides an override signal to controller. Colonna discloses that by using magnet in holster (col. 6 lines 12-34) allows phone to be detected and when phone is removed from holster the phone automatically reverts to private mode (i.e. normal mode).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the holster and phone as taught by Colonna to use magnet in holster

Art Unit: 2643

enabling the phone to detect when removed from holster to thereby automatically enter in to answer mode.

Regarding claim 2. Shim teaches a method of answering a voice call (see figure 5) comprising steps of:

providing a handheld mobile station stored in holster (see step 51 figure 5);

receiving an incoming voice call on the mobile station when it is in an idle state (see steps 51, 55 and 61 figure 5 wherein mobile is in holster and in power save mode and incoming call);

notifying a user of a mobile station that voice call has been received (see step 63 wherein user advised of incoming call).

Shem fails to disclose detecting phone removed from holster and automatically answering call.

Colonna teaches a mode-switchable communication device having standby mode, private mode (i.e. normal mode), and speakerphone mode (abstract). Colonna discloses the phone is capable of voice and data mode, email and fax capability (col. 2 lines 55-60). Colonna discloses the holster contains magnet (col. 3 lines 33-52, col. 4 lines 50-65) that provides an override signal to controller. Colonna discloses that by using magnet in holster (col. 6 lines 12-34) allows phone to be detected and when phone is removed from holster the phone automatically reverts to private mode (i.e. normal mode).

Art Unit: 2643

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the holster and phone as taught by Colonna to use magnet in holster enabling the phone to detect when removed from holster to thereby automatically answer call.

Regarding claim 4. Shem fails to disclose using mobile phone having magnet detection that detects magnet located in holster.

Colonna teaches a mode-switchable communication device having standby mode, private mode (i.e. normal mode), and speakerphone mode (abstract). Colonna discloses the phone is capable of voice and data mode, email and fax capability (col. 2 lines 55-60). Colonna discloses the holster contains magnet (col. 3 lines 33-52, col. 4 lines 50-65) that provides an override signal to controller. Colonna discloses that by using magnet in holster (col. 4 lines 50-65col. 6 lines 12-34) allows phone to be detected (see magnet sensor item 116 figure 1) and when phone is removed from holster the phone automatically reverts to private mode (i.e. normal mode).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the holster and phone as taught by Colonna to use magnet in holster and magnet sensor in telephone for the benefit of detecting when phone is located in holster.

Method claim 5 is rejected for the same reasons as apparatus claim 1 since the recited apparatus would perform the claimed method step. Furthermore, both Shem

Art Unit: 2643

and Colonna teach voice and data capabilities. In fact, Colonna teaches receiving and decoding received signals (col. 2 line 65 – col. 3 line 32) enabling controller the ability to receive and decode message so that the received signal may be recognized as voice or data information (col. 3 lines 8-18).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the holster and phone as taught by Colonna to use magnet in holster enabling the phone to detect when removed from holster to thereby automatically display received data information.

Regarding claim 6. Shem fails to show using magnet.

Colonna teaches a mode-switchable communication device having standby mode, private mode (i.e. normal mode), and speakerphone mode (abstract). Colonna discloses the phone is capable of voice and data mode, email and fax capability (col. 2 lines 55-60). Colonna discloses the holster contains magnet (col. 3 lines 33-52, col. 4 lines 50-65) that provides an override signal to controller. Colonna discloses that by using magnet in holster (col. 4 lines 50-65col. 6 lines 12-34) allows phone to be detected (see magnet sensor item 116 figure 1) and when phone is removed from holster the phone automatically reverts to private mode (i.e. normal mode).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the holster and phone as taught by Colonna to use magnet in holster and magnet sensor in telephone for the benefit of detecting when phone is located in holster.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shim et al (6,643,528 hereinafter Shim) in view of Colonna et al (6,115,620 hereinafter Colonna) further in view of Finch et al (5,542,105 hereinafter Finch).

Regarding claim 3. Shem in view of Colonna does not explicitly show detecting phone placed in holster; automatically ending the voice call.

Finch also teaches position sense radio carry case which can automatically adjust radio control functions such as telephone hang-up or illumination levels (abstract) by using magnet in holster (see 38 figure 2, col. 2 lines 2-60) and magnet sense circuitry in telephone (see 14 figure 1). Finch discloses that by using magnet and sense circuitry in telephone makes telephones more reliable since there is no need for moving mechanical switches to detect if phone placed into holster (col. 1 lines 42-49).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the holster and phone as taught by Colonna in view of Colonna to use magnet in holster as taught by Finch for the benefit of sensing when phone placed into holster so that telephone hang-up occurs automatically thereby saving battery life.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

Art Unit: 2643

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read "Barry W. Taylor", with a long horizontal flourish extending to the right.

Barry W. Taylor
Patent Examiner
Technology Center 2600
Art Unit 2643